

Turning first to the rejection of claims 1, 4-6 and 8 on grounds of anticipation by Schmidt '679, it is noted that it is black letter law:

"Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim. [Citation Omitted] A prior art disclosure that "almost" meets that standard may render the claim invalid under § 103; it does not "anticipate." Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed.Cir. 1983).

Claim 1 clearly and unambiguously recites that the claimed "contiguous mirror surface surrounded by a peripheral edge" has a surface portion that is "treated to reduce glare without rendering the treated surface opaque as to be non-reflective." (emphasis added).

The newly cited Schmidt '679 patent describes and calls for an "opaque band". That band is described at column 3, beginning at line 1, as constituting a type of a band that features a "non-glare, non-reflective coating". See also column 2, line 66: "The opaque or non-reflective band 22...". Therefore, the surface of the mirror which is covered by the band is not really a mirror surface. It is a non-reflective surface. This is directly contrary to what is claimed in claim 1 and to what it taught by the present applicant. Therefore, this reference cannot be said to anticipate the present invention.

The applicant has previously remarked (in the Amendment that was filed on or within several days of December 24, 2001) that Stout does not include any opaque or glare-reducing band. Beckham does not deal with a mirror element. Rather, it deals with an otherwise transparent vehicular window, where clearly it is desirable to see straight through the window pane in order to provide the driver visual access to the area in front of the vehicle. It is commonly known to tint the upper portion of a vehicle's windshield to reduce glare. There is no teaching to treat a mirror to reduce glare. A windshield is not a mirror.

Horton teaches a mirror with a reflective field designated by numeral 1. That reflective field is not of concern to Horton from the sense of having to deal with a glare problem reduced by the reflective surface. Rather, the concern is that the border or frame 2 which holds the mirror element and which is typically constructed of a margin 3 made of chromium-plated or otherwise brilliantly-finished material, will reflect light rays into the observing eyes of the driver, so as to

interfere with the image provided from the reflective surface. Thus, the problematic area in Horton is not the mirror element, but rather the chrome-plated frame which surrounds the mirror.

To solve that problem, Horton proposes a band or border 4 made of “a non-reflecting finish.” The purpose of that band or border 4 is to clearly define and separate the reflective field from the bright or reflective margin 3. See the right-hand column at lines 75-82. Thus, Horton teaches that the mirror surface is not treated at all. Rather, it is separated by an opaque, i.e., fully non-reflective, band or border from the glare-producing frame. The Horton solution creates an opaque gap between the reflective mirror surface and the problematic glare-producing frame. This prior art opaque band is not of concern to the present invention, because it is not located on the mirror and because it is opaque, rather than a reflective surface that is treated with the glare-reducing agent.

The rejection on grounds of obviousness over Schmidt ‘984 in view of Schmidt ‘578 is similarly traversed.

The Examiner will note that the ‘984 patent was filed by its inventor on September 9, 1992, that is, on the same date that the application for the Schmidt ‘679 patent was applied for. Indeed, the ‘984 patent, at column 3, lines 1-7, specifically references a “copending application entitled, ‘EXTENDED FIELD OF VIEW MIRROR’, filed on even date herewith, the disclosure of which is hereby incorporated herein.” This application matured into the ‘679 patent.

Thus, the ‘984 patent and the Schmidt ‘679 patent describe the identical opaque and, therefore, non-reflective, peripheral band. As already noted above relative to the ‘679 patent, that opaque band described by the Schmidt patents are used “to eliminate the interference the mirror gasket causes when reflected from the mirror and to extend the field of view.” But that band in no way can be said to constitute or to suggest the recitation in claim 1 of the present application of a mirror surface being treated with a coating that reduces glare “without rendering the treated surface opaque as to be non-reflective.” The prior art describes opaque bands that are fundamentally at odds with what the applicant claims herein.

Lastly, and insofar as the Examiner is relying on pages 150-152 of the Hasuo reference, the applicant respectfully requests a translation of those pages into the English language, since the applicant is not conversant with the foreign language in which these pages are rendered and is

not in a position to comment whether anything in those pages is at odds with the applicant's submissions herein.

The above remarks have been made relative to claim 1 and, specifically the limitation in the last phrase thereof. All of the claims in the application contain that limitation. On the basis thereof, all of the claims in the application are submitted to be clearly allowable over the prior art.

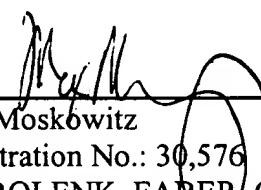
Accordingly, the Examiner is respectfully requested to reconsider the application, allow the pending claims, and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 14, 2002

Max Moskowitz  
\_\_\_\_\_  
Name of applicant, assignee or  
Registered Representative  
\_\_\_\_\_  
\_\_\_\_\_  
Signature  
August 14, 2002  
\_\_\_\_\_  
Date of Signature

MM:sds

Respectfully submitted,

  
\_\_\_\_\_  
Max Moskowitz  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700